

## Patterson Belknap Webb & Tyler LLP

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November 29, 2017

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By CM/ECF

Judge Lois Bloom  
United States District Court for the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re: Abbott Laboratories et al. v. H&H Wholesale Services, Inc. et al.**  
**17 Civ. 3095 (CBA) (LB) (E.D.N.Y.)**

Dear Judge Bloom:

We represent the plaintiffs Abbott Laboratories, Abbott Diabetes Care Inc., and Abbott Diabetes Care Sales Corp. (collectively, “Abbott”) in the above-referenced action and write in response to the Motion to Withdraw as Counsel of Record filed by counsel to defendants H&H Wholesale Services, Inc., Howard Goldman, and David Gulas (collectively, “H&H”). (D.E. 73). We note that this is H&H’s *fourth* law firm to seek leave to resign.

Abbott does not oppose the Motion. Abbott does, however, object to any action that would lead to any additional extensions of the stipulated deadlines in this case.<sup>1</sup> Your Honor has repeatedly, on the record, warned H&H that if it were to change counsel yet again, that change in counsel would not be allowed to cause delay, in either this action or the related diversion action.<sup>2</sup> Moreover, the Motion is no surprise to H&H, who, according to the motion papers, was informed nearly a month ago that its counsel intended to withdraw.

A corporation, of course, cannot proceed *pro se*.<sup>3</sup> Abbott therefore respectfully requests that the Court issue a deadline for H&H to retain new counsel or default that will ensure that incoming counsel has sufficient time to come up to speed and meet the stipulated deadlines in this action.

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<sup>1</sup> The stipulated deadlines are set forth in the recently filed Stipulation and Proposed Order, docket entry 72.

<sup>2</sup> *Abbott Laboratories et al. v. Adelpia Supply USA et al.*, No. 15 Civ. 05826 (E.D.N.Y.).

<sup>3</sup> *See, e.g., Jones v. Niagara Frontier Transp. Auth.*, 722 F.2d 20, 22-23 (2d Cir. 1983).

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Respectfully submitted,

*/s/ Geoffrey Potter*

Geoffrey Potter

cc: Judge Carol Bagley Amon (via ECF)  
All counsel of record (via ECF)